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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,415	09/27/2004	Roland N. Walker	12160.4	8436

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EXAMINER
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COLILLA, DANIEL JAMES

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/672,415

Applicant(s)

WALKER ET AL.

Examiner

Daniel J. Colilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fromm (US 5,435,240).

With respect to claims 1 and 16, Fromm discloses a system and method for providing an image on an organic product including the steps of creating an image on a transfer medium 36 (Fromm, col. 4, lines 52-58), transferring the image onto a flexible organic product such as skin or leather (Fromm, col. 4, lines 57-61, col. 5, lines 2-5).

With respect to claim 8, Fromm discloses allowing the image to set. Note setting occurs when the image is transferred to the final surface.

With respect to claim 10, Fromm discloses that the image can be a picture or design of a flower as shown in Figure 3 of Fromm or the picture can be a character as mentioned in col. 4, lines 36-37 of Fromm.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fromm (US 5,435,240) as applied to claim 1 above, and further in view of Roulleau (US 5,142,976).

With respect to claim 2, Fromm discloses the claimed method for providing an image except for the step of creating an image on a cliché. Fromm discloses creating a first image on a sheet 32 by applying ink to the sheet 32, lifting at least a portion of ink from the sheet 32 to form a second image on the transfer medium 36 as mentioned above. Roulleau teaches creating an image creating a first image on a cliché (Roulleau, col. 1, lines 39-40), applying ink to the cliché (Roulleau, col. 1, lines 40-41), and lifting at least a portion of the ink from the cliché to form a second image, wherein the second image is the image created on the transfer medium (Roulleau, col. 1, lines 42-46). It would have been obvious to substitute the sheet 32 disclosed by Fromm with the cliché taught by Roulleau for the advantage of using provided artwork (the image on the cliché) instead of needing to create one's own artwork, and thus reducing the amount of time to complete the process.

With respect to claim 3, Fromm discloses placing transfer medium 36 in contact with the sheet 32 and removing the transfer medium 36 from the sheet 32 (Fromm, col. 4, lines 52-59). Similarly, Roulleau teaches placing the transfer medium in contact with the cliché; and removing the transfer medium from the cliché (Roulleau, col. 1, lines 43-46).

With respect to claim 4, Roulleau teaches removing excess ink applied to the cliché (Roulleau, col. 1, lines 40-43).

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5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fromm (US 5,435,240) in view of Roulleau (US 5,142,976), as applied to claim 2 above, and further in view of Lampinski (US 6,314,880).

With respect to claim 5, Fromm in view of Roulleau teaches all that is claimed as discussed above except for the step for creating a first image comprises the step for etching the first image into the cliché. Lampinski teaches the step for creating a first image comprises the step for etching the first image into the cliché (Lampinski, col. 3, lines 40-62 and col. 4, lines 67-col. 5, line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fromm in view of Roulleau such that the first image is created by etching it into the cliché to produce a high quality image on a plate as taught by Lampinski.

With respect to claim 6, Fromm in view of Roulleau teaches all that is claimed as discussed above except for the cliché comprising a photosensitive material. Lampinski teaches a method wherein the cliché comprises a photosensitive material (Lampinski, col. 5, lines 37-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fromm in view of Roulleau such that the cliché comprises a photosensitive material so that the cliché can polymerize under the action of radiation as taught by Lampinski.

With respect to claim 7, Fromm in view of Roulleau teaches all that is claimed except for that the step for etching comprises the steps for: providing a third image; creating a film positive of the third image; and exposing the photosensitive material through a wash out process to etch the third image into the photosensitive material. Lampinski teaches a method wherein step for etching comprises the steps for: providing a third image (Examiner notes that Lampinski teaches creating multiple images; creating a film positive of the third image; and exposing the

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photosensitive material through a wash out process to etch the third image into the photosensitive material (Lampinski, col. 3, lines 41-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fromm in view of Roulleau wherein the etching comprises providing a third image, creating a film positive of the third image, and exposing the photosensitive material through a wash out process to etch the third image into the photosensitive material to create images with a variety of colors using an etching technique combined with pad printing as taught by Lampinski.

6. Claims 9, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fromm (US 5,435,240), as applied to claim 1 and 16 above, and further in view of Skonecki (US 5,305,550).

With respect to claims 9 and 17, Fromm teaches all that is claimed as discussed above. Fromm does not teach a method wherein the organic product comprises at least a portion of (i) a flower; (ii) a fruit; or (iii) a plant. Skonecki teaches printing on a flower (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fromm to print on a flower so that the user can print a personalized message or drawing on one of its petals as taught by Skonecki.

With respect to claim 18, Skonecki teaches a system wherein the portion is a petal (See Figure 1).

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7. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fromm (US 5,435,240), as applied to claim 16 above, and further in view of Roulleau (US 5,142,976) and Lampinski (US 6,314,880).

With respect to claim 19, Fromm discloses the claimed system except for the cliché including an etched image that is partially filled with ink. However, Roulleau teaches a cliché including an engraved image that is at least partially filled with ink to place the image on the portion of the transfer medium (Roulleau, col. 1, lines 39-44). It would have been obvious to substitute the sheet 32 disclosed by Fromm with the cliché taught by Roulleau for the advantage of using provided artwork (the image on the cliché) instead of needing to create one's own artwork, and thus reducing the amount of time to complete the process.

Lampinski teaches an etched image on the cliché (Lampinski, col. 4, lines 67-col. 5, line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify to include an etched image to produce a high quality image on a plate as taught by Lampinski.

With respect to claim 20, Fromm discloses that the transfer medium 36 is a pad.

### ***Response to Arguments***

8. Applicant's arguments with respect to claim 8/15/05 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Colilla whose telephone number is 571-272-2157. The examiner can normally be reached on M-F 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 26, 2005



Daniel J. Colilla  
Primary Examiner  
Art Unit 2854